

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicants have amended claims 1 and 20; no new matter has been added. Claims 1-18 and 21-24 remain pending in the application.

2.) Claim Rejections – 35 U.S.C. § 112, 2nd paragraph

The Examiner rejected claims 1-18 and 20-24 as being indefinite, citing specific objections to terms or phrases in claims 1, 2, 5, 9, 11, 12, 16 and 20. With respect to claims 1 and 20, the Examiner stated that “the respective transcoder” elements lacked antecedent basis. The Applicants have amended each of those claims to explicitly recite, in each case, whether “the respective transcoder” refers to “the first transcoder” or “the second transcoder.” The intended transcoder, in each case, was obvious in the context of the original wording, but such change makes the reference explicit and obviates any objection to there being a lack of antecedent basis.

The Examiner also objected to the use of the phrase “currently in use prior” in claim 20, stating that it lacked antecedent basis; although not noted by the Examiner, that phrase also appears in claim 1. The phrase is used in the context of the “change of an encoding format currently in use prior to initiating the bypassing of the transcoding operations.” Each of claims 1 and 20 is directed to the bypassing of transcoding operations which, necessarily, are characterized by an encoding format. The claim limitation, therefore, refers to changing the encoding format that is in use *prior to* initiating the bypassing of such transcoding operations. Accordingly, it is not believed that the phrase, or limitation as a whole, lacks antecedent basis and, therefore, the Applicants respectfully request the Examiner's reconsideration.

Finally, the Examiner rejected claims 1, 2, 5, 9, 11, 12, 16 and 20 for use of the word “about,” which the Examiner asserts renders the claim indefinite “because ‘about’ is not a positive recitation.” It is believed that the Examiner's basis of rejection is based on the faulty assumption that the term “about” is used in the sense of physical or logical proximity. The term, however, is actually used in the sense of “concerning,” “in regard to,” or “connected or associated with.” (See: <http://dictionary.reference.com/browse/about>) Thus, “the step of deciding about the

change of the encoding format . . . " means deciding in regard to the change of encoding format. Similarly, "receiving . . . information about an encoding format" means receiving information concerning an encoding format. Thus, it does not appear that the use of the term renders the claim indefinite and, therefore, the Applicants respectfully request the Examiner's reconsideration.

3.) Withdrawal of Prior Claim Rejections / Allowable Subject Matter

In response to Applicants' Appeal Brief filed on April 26, 2010, the Examiner now states that claims 1-18 and 20-24 are allowable for the reasons set forth in said brief, upon overcoming the rejections under §112 presented in the present office action. The Applicants thank the Examiner for the indication of allowable subject matter. For the reasons presented *supra*, it is believed that the claims are not indefinite and that no claim terms now lack sufficient antecedent basis. Accordingly, it is believed that claims 1-18 and 20-24 are now in condition for allowance.

CONCLUSION

In view of the foregoing amendments and remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-18 and 21-24.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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